

Mar 27, 2019

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

HAL HENNING,

Plaintiff,

v.

TOWN OF WINTHROP, a municipal
entity existing under the laws of
Washington State; and ANNE ACHESON,
individually,
Defendants.

NO. 2:17-cv-00398-SAB

**ORDER GRANTING MOTION
TO REMAND**

Before the Court are Plaintiff's Motion to Remand, ECF No. 34, and related Motion to Expedite. ECF No. 35. The motion was heard without oral argument and on an expedited basis.

In response to Defendants' Motion for Summary Judgment, Plaintiff voluntarily dismissed his § 1983 claim. ECF No. 29. As such, the Court no longer has subject matter jurisdiction over Plaintiff's complaint.

Defendants urge this Court to retain supplemental jurisdiction over the state law claims. As instructed by the U.S. Supreme Court,

a federal court should consider and weigh in each case, and at every stage of the litigation, the values of judicial economy, convenience, fairness, and comity in order to decide whether to exercise jurisdiction over a case brought in that court involving pendent state-law claims. When the balance of these factors indicates that a case

1 properly belongs in state court, as when the federal-law claims have
2 dropped out of the lawsuit in its early stages and only state-law claims
3 remain, the federal court should decline the exercise of jurisdiction by
4 dismissing the case without prejudice.

5 *Carnegie-Mellon Univ. v. Cohill*, 484 U.S. 343, 350 (1988) (citing *Minne*
6 *Workers v. Gibbs*, 383 U.S. 715, 726-727 (1966).

7 Because discovery is still ongoing and the only claims that remain are
8 state-law claims, the interests of comity weigh in favor of remanding this
9 case to Okanogan County Superior Court.

10 Accordingly, **IT IS HEREBY ORDERED:**

- 11 1. Plaintiff's Motion to Remand, ECF No. 34, is **GRANTED**.
- 12 2. Plaintiff's Motion to Expedite, ECF No. 35, is **GRANTED**.
- 13 3. All pending motions are denied, as moot.
- 14 4. The District Court Executive is directed to **remand** the above-captioned
15 case to Okanogan County Superior Court.

16 **IT IS SO ORDERED.** The District Court Clerk is hereby directed to enter
17 this Order, to provide copies to counsel, and close the file.

18 **DATED** this 27th day of March 2019.



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A handwritten signature in blue ink that reads "Stanley A. Bastian".

24 Stanley A. Bastian
25 United States District Judge
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